

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

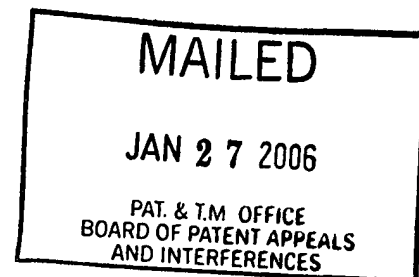
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Ex parte CHRISTIAN LITA

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Application 09/282,692

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

On February 15, 2002, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. The reference to WO/98/26359 is neither initialed nor crossed out.

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Furthermore, the Examiner's Answer of June 30, 2005 does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

Accordingly, it is ORDERED that the application is return to the Examiner to:

- 1) consider the Information Disclosure Statements filed February 15, 2002;
- 2) provide appropriate written notification by the examiner to appellant of such consideration;
- 3) to have a copy of the consideration of the Information Disclosure Statement scanned into the record;

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- 4) to submit a revised Examiner's Answer in compliance with the new rules effective September 13, 2004; and
- 5) for such further action as may be appropriate.

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